HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 1309 of 2003

Ram Kumar Sirohi ……. Petitioner

Versus

Senior Superintendent of Police & another …… Respondents

Sri R.D. Khare, Advocate for the petitioner
Standing Counsel for the respondents.

Dated: 6.04.2004

Hon'ble Rajesh Tandon J.

Heard the learned counsel for the parties.

By the present writ petition the petitioner has initially prayed for the issue of a writ in the nature of certiorari quashing the report of C.O. Manglor. Originally there was no cause of action for filing of writ petition but the writ petition was filed on mere apprehension. Supplementary affidavit along with amendment application has been filed seeking for quashing the order dated 16.2.2004 by which petitioner has been penalised by making entry in the character roll.

Admittedly appeal lies against the order passed by the S.S.P. Hardwar and as such alternative remedy is available to the petitioner. The petitioner, therefore, may avail alternative remedy of appeal before the authority concerned. He shall also file the application for

interim stay for the stay of punishment order. However, the order dated 16.2.2004 shall remain in abeyance for a period of three weeks only. In case appeal is preferred before the competent authority, the authority concerned shall decide it within a period of six weeks.

Subject to the aforesaid observations, the writ petition is dismissed on the ground of alternative remedy.

6.4.2004 Sd/-
Dhyani